

Fact Sheet on H.R. 4405, The Sergei Magnitsky Rule of Law Accountability Act of 2012

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The story of Sergei Magnitsky

After exposing the largest tax fraud in Russian history, tax lawyer Sergei Magnitsky was wrongly arrested and tortured in a Russian prison. Six months later he became seriously ill and was denied medical attention despite 20 formal requests. On the night of November 16, 2009, he went into critical condition, but instead of being treated in a hospital he was put in an isolation cell, chained to a bed, and beaten by eight prison guards for one hour and eighteen minutes, resulting in his death. Sergei Magnitsky was 37 years old and left behind a wife and two children. Those responsible for this crime have yet to be punished, and the Magnitsky story is emblematic of corruption, human rights abuses, and impunity in Russia.

The Magnitsky bill

The Sergei Magnitsky Rule of Law Accountability Act of 2012, introduced by Rep. Jim McGovern on April 19, 2012, would hold accountable Magnitsky's killers and other human rights violators by placing targeted sanctions on them. In particular, the draft bill imposes a visa ban and asset freeze on: 1) individuals responsible for participating in or covering up Magnitsky's detention, abuse, and death, and 2) individuals responsible for other gross violations of human rights against people seeking to expose illegal activity by Russian officials or to exercise fundamental rights and freedoms.

The bill requires the Secretary of State, in consultation with the Secretary of the Treasury, to publish a list of the people who should be subject to sanctions under its provisions, and requires the Secretary of State to respond within 120 days to requests from the chairperson and ranking member of key congressional committees to add an individual to that list. The bill provides the executive branch with the authority to waive the sanctions on national security grounds, and requires the executive to submit an annual report to Congress on actions taken to implement it.

The bill includes findings on the mistreatment of Magnitsky and other individuals, and on the extent of corruption and impunity in Russia.

The bill updates H.R. 1575, a bipartisan bill introduced by Rep. McGovern in 2011. The new bill improves on H.R. 1575 by placing sanctions on a broader range of human rights violators (rather than only on people involved in Magnitsky-related abuses), by requiring the executive to publish the list of sanctioned individuals, and by giving key members of Congress the ability to request that people be added to the list. A similar bill, introduced as S. 1039 by Sen. Cardin, has attracted over 30 bipartisan cosponsors in the Senate.